

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
2016 Biennial Review of Telecommunications Regulations	)	PS Docket No. 16-128
	)	
Rule Parts Containing Regulations	)	
Administered by the Public Safety and	)	
Homeland Security Bureau (PSHSB)	)	

**COMMENTS OF  
THE UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTelecom)<sup>1</sup> submits these comments in response to the Federal Communications Commission’s (Commission) invitation to provide comments as to what regulations administered by PSHSB should be modified or repealed as part of the 2016 biennial review. USTelecom has identified several areas that are ripe for reconsideration by the Public Safety & Homeland Security Bureau (PSHSB). In particular, the Commission should streamline Part 4 reporting obligations to focus on the reporting of material outages and the costs and benefits associated with administrative process. The Commission should also reexamine Part 9 requirements for battery backup and better target those rules in light of existing compliance burdens and presumed benefits.

**I. The Commission Should Significantly Streamline and Harmonize the Part 4 Reporting Process for all Services.<sup>2</sup>**

USTelecom recommends that the Commission eliminate as unnecessary the following

---

<sup>1</sup> USTelecom is the premier trade association representing service providers and suppliers for the telecom industry. Its diverse member base ranges from large publicly traded communications corporations to small companies and cooperatives – all providing advanced communications service to both urban and rural markets.

<sup>2</sup> See Comments of AT&T, PS Docket No. 15-80, ET Docket 04-35, PS Docket No. 11-82 at 13 (Aug. 26, 2016).

regulations: 1) existing outage reporting regimes for services currently subject to a three-part system;<sup>3</sup> and 2) the submission of an initial report within 72 hours of discovery (to be replaced with only the submission of a final report subsequent to the event).<sup>4</sup>

**A. The Commission Should Modify Existing Outage Reporting Regime to Two-Stage System and Only Require a Final Report.**

As USTelecom has previously advocated, the Commission's three-part submission process is overly burdensome. Among other things, the Commission's rules force impacted companies to divert valuable personnel resources to report the event, rather than utilizing them to assist in efforts to restore service to consumers. As noted previously by USTelecom, service providers only know minimal information upon filing an Initial Report – and even less is known within the first 120 minutes. Moreover, the utility of filing a notification within 120 minutes of a reportable outage is highly questionable. Although service providers will move swiftly to address outages occurring on their networks, it is unclear what remedial or other helpful steps the Commission can (or even should) take at that early stage. Finally, as previously noted by USTelecom, the rule contradicts the spirit of the Executive Branch's effort to push regulatory flexibility, simplification of reporting and compliance requirements, and reducing regulatory burdens on small businesses.<sup>5</sup>

USTelecom maintains that the Commission should instead harmonize all outage reporting obligations for consistency with the existing outage reporting requirements for interconnected

---

<sup>3</sup> See Comments of USTelecom, PS Docket No. 15-80, ET Docket 04-35, PS Docket No. 11-82 at 8-10 (Aug. 26, 2016); See Comments of CenturyLink, PS Docket No. 15-80, ET Docket 04-35, PS Docket No. 11-82 at 20 (Aug. 26, 2016); See Verizon Ex Parte Letter, PS Docket No. 15-80, ET Docket 04-35, PS Docket No. 11-82 at 3 (Oct. 5, 2016).

<sup>4</sup> See Comments of AT&T, PS Docket No. 15-80, ET Docket 04-35, PS Docket No. 11-82 at 13 (Aug. 26, 2016).

<sup>5</sup> *Broadband Outage NPRM*, Appendix E, Initial Regulatory Flexibility Analysis, ¶¶ 12 – 15.

VoIP. Specifically, such reporting should consist of a two-part submission process: 1) notification of an outage within 24 hours of its discovery; and 2) a final report within 30 days of the outage being discovered. Such an approach satisfies the Commission's asserted needs to ensure adequate notice of the outage (accomplished with the first report) and subsequent receipt of detailed information on the source of the outage (accomplished with the final report).

**B. The Commission Should Extend the Current Deadline for Notifications Applicable to Legacy Services**

The Commission should also extend the current deadline for Notifications applicable to Legacy Services providers from 120 minutes to at least 24 hours (or maybe longer) for non-911 special facilities and from 120 minutes to 240 minutes for 911 special facilities.<sup>6</sup> When the Commission adopted the interconnected VoIP reporting rules in 2012 with their different reporting structure and deadlines, the Commission concluded that eliminating the Initial Report would “reduce the [VoIP] providers’ workloads” and that “[f]inal reports would still give the Commission the opportunity to obtain the full details within the same timeframe as it does so today.”<sup>7</sup>

Of course, those conclusions are equally applicable to non-VoIP providers; thus, there is no reason not to eliminate the current cable, wireline, and wireless provider requirement to file Initial Reports. Similarly, the Commission justified a lengthier Notification period for interconnected VoIP providers in 2012 because “data networks operate differently than voice

---

<sup>6</sup> See Comments of AT&T, PS Docket No. 15-80, ET Docket 04-35, PS Docket No. 11-82 at 13 (Aug. 26, 2016).

<sup>7</sup> Report and Order, *Proposed Extension of Part 4 of the Commission’s Rules Regarding Outage Reporting to Interconnected Voice over Internet Protocol Service Providers and Broadband Internet Service Providers*, PS Docket No. 11-82, 27 FCC Rcd 2650, ¶ 96 (2012).

networks, and the cause of some degradations of service may not be as clearly identifiable.”<sup>8</sup> The Commission has since acknowledged that the entire communications industry is migrating to IP-based networks<sup>9</sup> so, again, the Commission’s rationale supplied in 2012 should be extended to all other providers and the Commission should amend its rules to give all providers 24 hours to report non-911 special facility outages and 240 minutes to report outages potentially affecting a 911 special facility.<sup>10</sup>

## **II. The Current Requirements for Battery Backup are Misplaced, and Add Unjustifiable Cost for Service Providers and Their Customers.**

USTelecom maintains that the Commission’s battery backup mandates are antiquated and unnecessary and should be removed. Requiring back-up power for 24 hours is not required in the vast majority of power outages, and the compliance regime is exceedingly burdensome.<sup>11</sup>

USTelecom recommends that the Commission eliminate the requirements for 24 hours of standby backup power and allow consumers freedom to choose whether and how to self-provision CPE Backup Power.<sup>12</sup>

Requirements for provider supply of CPE backup power must be reasonable in scope and appropriately tailored to supplement – rather than replace – self-provisioning of backup power

---

<sup>8</sup> *Id.* at ¶ 95.

<sup>9</sup> *See, e.g.,* Technology Transitions et al., GN Docket No. 13-5 et al., Order, Report and Order and Further Notice of Proposed Rulemaking, Report and Order, Order and Further Notice of Proposed Rulemaking, Proposal for Ongoing Data Initiative, 29 FCC Rcd 1433 (2014).

<sup>10</sup> *See*, 47 C.F.R. § 4.9(g).

<sup>11</sup> *See*, Reply Comments of Hawaiian Telcom, PS Docket No. 14-174, GN Docket No. 13-5, RM-11358, WC Docket No. 05-25, RM-10593 at (Mar. 9, 2015).

<sup>12</sup> *See*, Reply Comments of AT&T Services, Inc., PS. Docket No. 14-174, GN Docket No. 13-5, RM-11358, WC Docket No. 05-25, RM-10593 at 9 (Mar. 9, 2015). *See also*, Report and Order, *Ensuring Continuity of 911 Communications*, PS Docket No. 14-174, ¶ 44 (stating that “consumers may desire different amounts of backup power – or none at all – depending on their individual circumstances.”).

consistent with individual customer needs. Such requirements should acknowledge the steps that consumers already take to ensure the availability of voice services during a time of emergency, as well as supplementary measures by industry to provide backup power during emergencies.

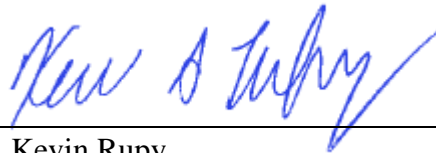
As USTelecom has previously advocated, the provision of CPE backup power by carriers already in place, most consumers likely have adequate redundancy for their voice services.

Provisioning eight hours of backup power is consistent with industry standards and reflects what VoIP providers currently employ. An obligation greater than eight hours runs the risk of imposing onerous and unnecessary burdens on providers for provisioning backup power during emergencies, while at the same time diminishing the important role of consumers in individually preparing for emergencies. In addition, carriers should be afforded the flexibility for determining the best manner in which to meet specific backup power requirements for residential CPE. Even in the absence of regulatory mandates, the carrier community has a long history of demonstrating their understanding of the important public safety role they play by voluntarily designing their networks and CPE to ensure reliability during both normal operations and during public emergencies.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

By: \_\_\_\_\_



Kevin Rupy  
Robert Mayer  
Anthony Jones

607 14<sup>th</sup> Street, NW, Suite 400  
Washington, D.C. 20005  
(202) 326-7300

December 5, 2016